

Application No. 10/602,861

REMARKS / ARGUMENTS

Claims 1-14 remain pending. New claims 15-20 have been added. Original claims 1, 2, 3 and 8, 9, 10 have been amended.

The examiner objected to the specification at page 5, line 4, indicating that – a – should be inserted after “for”. Applicants have made that amendment

The claims 3-6 and 10-13 were rejected under 35 USC 112 first paragraph as failing to comply with the enablement requirement. Specifically the examiner noted it was unclear how a hollow body window wiper or anti-freeze fluid reservoir could be filled while sealed within the inner and outer hood panels and how the reservoir would be functionally associated with the windshield cleaner spray nozzles and the radiator. Further regarding claims 10-13 (Figures 3-4) the examiner noted the description failed to describe how the hollow body reservoir is retained within the holes and how the reservoir would be functionally associated with the windshield cleaner spray nozzle and the radiator.

Applicants acknowledge that the method of plumbing and attaching the hollow body reservoir for filling fluids and transmitting that fluid are not described. It is well known in the automotive industry how to attach reservoirs, seal them and route plumbing lines. It is further understood that pumps and various devices are used in combination with such systems to facilitate fluid flow. Accordingly, it is applicants contention that any number of well known means can be used to accomplish the tasks raised as non-enabling concerns of the examiner.

More importantly, the present invention is not directed to the method or function of the fluid handling system other than to show a novel location for such devices which can be used as energy absorbing bodies if strategically positioned and aligned with hard points of the vehicle.

Applicants note that the location of the spare tire in relation to the vehicle's gasoline tank has been strategically placed to protect the gasoline tank from rupture in the Corvette vehicle for additional protection beyond what was provided by the rear bumper. How the spare tire preformed as a spare tire was not the issue, but rather its

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precise location. The present invention is simply not concerned with how the reservoir is to be filled, but rather where it is located. It is factually incorrect to assume automotive engineers are not skilled sufficiently to be able to provide the functionality of a windshield wiper reservoir or an anti-freeze reservoir. As a point in fact the automobile engineer has been accused of never having had to repair or maintain much of what he designs, do in part to the inaccessible nature in which he positions oil filters and the like. The automotive engineer is in fact more than enabled to position components in the most inaccessible areas than almost any other designer on the planet.

Finally, the examiners attention is drawn to the prior art reference patent 6,375,251 wherein numerous air bags are shown sandwiched between an entire inner car body shell and an outer car body shell. In that patent there is no mention of how the numerous air bags would be filled. In that invention the airbags must be permanently inflated with air or foam. No mention is suggested when the airbags are filled or how one accesses the hundreds of airbags shown. Furthermore, most products are air permeable to a greater or lesser extent and no mention of monitoring the airbags or checking for adequate air pressure is provided. Nevertheless, the use of the invention seems to be understood even if the practical functionality of the concept is doubtful.

It is applicant's strong contention that the specification is enabling for the invention as claimed and that the selection of specific attachment means and plumbing routing is well within the ordinary skill of the automotive engineer.

Withdrawal of the examiner's 35 USC 112 rejections are respectfully requested.

Claims 1, 2, 7, 8, 9 and 14 were rejected under 35 USC 102 (b) as being anticipated by Taghaddos. Taghaddos shows a plurality of airbags filled with air or foam between an outer body shell and an interior shell for impact absorption to protect the vehicle and its occupants. See column 1 lines 40 through 55.

Applicants amended independent claim 1 to reflect the fact that one or more energy absorbing bodies are located between an outer skin panel and an inner skin

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panel and that the one or more energy absorbing bodies are aligned with hard points of the vehicle. In claim 8 the one or more energy absorbing bodies are at least partially received in a cavity formed between the inner and outer skin panels and the one or more energy absorbing bodies are aligned with hard points of the vehicle. This amendment is fully supported in the specification and the drawings. In particular, the figures 1, 2 and 4 as shown each of the energy absorbing bodies is aligned with a vehicle hard point. In the specification paragraph [0009] it is stated "Hard points on the vehicle are located relative to the vehicle panel. Energy absorbing bodies are then placed between the outer skin and the vehicle hard point." At page 4 paragraph 16 hard point is a defined term with a clear and concise meaning. Further at page 4 paragraph [0017] of the Detailed Description with reference to the hood panel of Fig 2 it is stated "Energy absorbing bodies are sandwiched between the outer skin panel 18 and the inner skin panel 22 and are located over the hard points 30 of the engine."

The amendment to claim 1 reflects that the one or more energy absorbing bodies are aligned with hard points of the vehicle. This strategic positioning of energy absorbing bodies insures only a limited amount of cushioning material is required. The present invention provides protection for pedestrians who may be hit by the vehicle. The prior art in attempting to protect the vehicle and its occupants must employ substantial number s of impact absorbing airbags to protect the virtually entire surface area of the two shells. Notwithstanding the impractical nature and added cost of the prior art concept, the amount of space required is totally impractical.

The present invention has localized the positioning of energy absorbing bodies to be in alignment with hard points. This is neither taught nor suggested in the prior art. The fact that some of the prior art airbags are located over hard points is a consequence of covering the entire surface area with such devices most of which are neither aligned with or over such hard points.

With regard to claim 8, the prior art fails to teach partially receiving one or more energy absorbing bodies which are aligned with a hard point.

Furthermore, Taghaddos never discloses hollow bodies being utilized as an

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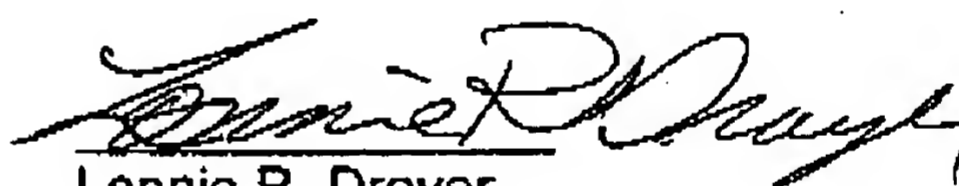
energy absorbing body wherein the hollow bodies are fluid reservoirs as in claims 3, 4, 5, 6 and claims 10 through 13.

With regard to claim 14, the use of a plurality of spaced apart energy absorbing bodies further distinguished over the prior art reference to Taghaddos in that Taghaddos use of airbags, as disclosed, required contacting portions of the airbags. As the reference states, the airbags are retained in a planar position accordingly to prevent movement of the airbags within the space between the shells. The airbags must at least be in partial contact absent a teaching to the contrary.

Finally as to new claims 15 through 20 the use of holes in the inner panel to receive energy absorbing bodies, the holes being above hard points on the vehicle is neither taught nor suggested in the cited reference.

For the reasons stated above, applicant respectfully requests the examiner to withdraw the 35 USC 102 rejection and to allow the application to pass to issue.

Respectfully submitted,



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